



Comptroller General
of the United States

Washington, D.C. 20548

Evans
143986

Decision

Matter of: National Medical Staffing, Inc.

File: B-244096

Date: May 22, 1991

Dr. Gloria M. Bertacchi for the protester.
Catherine M. Evans, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest of agency's refusal to extend date for receipt of proposals is dismissed where protester did not request a copy of solicitation until 9 days before proposals were due, even though solicitation was synopsized in the Commerce Business Daily nearly 2 months before, and issued 1 month before, the closing date.

DECISION

National Medical Staffing, Inc. (NMS) protests the agency's failure to extend the date for receipt of proposals under request for proposals (RFP) No. 246-91-R-0012, issued by the Department of Health and Human Services for dentist services at the Oklahoma City Area Indian Health Service.

We dismiss the protest.

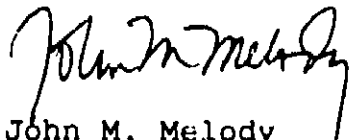
The agency advises us that the RFP was synopsized in the Commerce Business Daily (CBD) on March 22, 1991, and was issued on April 16. Proposals were to be submitted by close of business on May 15. NMS states that it saw the CBD synopsis and requested a copy of the RFP on May 6, and then received the RFP on May 15, the closing date. NMS requested a 30-day extension of the closing date. When that request was denied, NMS filed this protest, alleging that, due to the agency's delay in furnishing the RFP, the closing date should be delayed 30 days.

Where a protester contends that the agency allowed insufficient time for preparation of proposals, we require a showing that the time allowed was inconsistent with statutory requirements or otherwise unreasonable or insufficient, or that it precluded full and open competition. Cajal Defense Support Co., B-240477, Aug. 3, 1990, 90-2 CPD ¶ 100.

NMS asserts that the agency's 9-day delay in furnishing the RFP after NMS' request is the reason additional proposal preparation time should be provided. In fact, however, NMS' receipt of the RFP is directly attributable to its failure to request the RFP until more than 6 weeks after it was synopsized in the CBD. In this regard, NMS was on constructive notice of the procurement from the March 22 CBD notice and thus should have been aware of the existence of the RFP at a much earlier date, even before the solicitation was issued on April 16. See U.S. Elevator Corp., B-241772, Mar. 5, 1991, 91-1 CPD ¶ 245.

As NMS' inability to prepare a proposal by the closing date thus appears to have been due to its own failure to make reasonable efforts to obtain a copy of the RFP rather than any improper action by the agency, we have no basis to conclude that the agency's refusal to extend the closing date was improper. See Cajar Defense Support Co., B-240477, supra.

The protest is dismissed.



John M. Melody
Assistant General Counsel